

attempts to make our children criminals. Even though the offense will be styled a Class V misdemeanor and there is a way to avoid prosecution, not all will comply with that. And I do not think that we should increase the amount of crime in this state through the enactment of laws criminalizing conduct which right now is not criminal. There are children who have parents, grandparents and other relatives who smoke. There are children who work for people who smoke. They are sent to the store to purchase cigarettes. They are often assigned the job of transporting cigarettes from one adult to another. So with this kind of an amendment, conduct which otherwise is innocent, is going to be made criminal. It allows for no exceptions. It simply says if anybody under the age of 18...let me read it, to be sure..."Any person under 18 years of age who purchases, possesses or smokes cigarettes or cigars". What this will do is to make criminals where none currently exist. I would like to ask Senator Bernard-Stevens a question.

PRESIDENT ROBAK: Senator Bernard-Stevens.

SENATOR CHAMBERS: Senator Bernard-Stevens, is it currently against the law for a minor to smoke cigarettes?

SENATOR BERNARD-STEVENS: Yes.

SENATOR CHAMBERS: Where do you find that?

SENATOR BERNARD-STEVENS: That will be in Section 28-1418, the old section that says, I believe, whenever being a minor...I'm trying to reword it the way that it was, under 18 years of age who smokes, uses or purchases tobacco in any form in this state shall be guilty of a Class V misdemeanor.

SENATOR CHAMBERS: You mean Class III? Are we looking at the same thing?

SENATOR BERNARD-STEVENS: I'm looking at Section 28-1418 which on the amendment you have before you, Senator, would be the top portion.

SENATOR CHAMBERS: Okay.

SENATOR BERNARD-STEVENS: Okay. And then the one who distributes would be 1419, and that would be the Class III.